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6 | Attorneys for Defendants,
INVESTMENT GRADE LOANS, INC., et al

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 | FLETCHER HARTWELL HYLER, and

CASE NO. 07-CV-03180 WHA

13 Plaintiffs,

Date: August 28, 2008

14 | VS.

Time: 8:00 a.m.

Courtroom: 9
JULY 11 2011

Judge: Hon. William H. Alsup

15 | INVESTMENT GRADE LOANS, INC., et al.

SUPPLEMENT TO MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT OF MOTION TO
EXPUNGE LIS PENDENS AND FOR
AWARD OF ATTORNEY'S FEES
AND COSTS

19 Defendants INVESTMENT GRADE LOANS, INC., et al., (hereinafter “IGL”) hereby
20 supplement their initial memorandum of points and authorities filed in this case on July 30, 2008, as
21 follows:

FACTS

23 It appears that, in an unsuccessful attempt to cure the defects in the Notice of Action Pending
24 (Lis Pendens), that is the subject of this motion to expunge, Plaintiff HYLER recorded in the Official
25 Records of San Mateo County and filed in this action on July 23, 2008, he recorded and filed a second
26 lis pendens on July 30, 2008, the same date as the filing of this motion. A true and correct copy of
27 that second Lis Pendens is attached to the following Declaration of Leo B. Siegel submitted in support
28 of Defendant's motion to expunge lis pendens. The second lis pendens is equally defective, and for

1 the identical reasons set forth in Defendant IGL'S initial memorandum of points and authorities in
 2 support of this motion. Accordingly, Defendants IGL request that the Court include the second lis
 3 pendens in any decision in this motion rendering an order expunging the Lis Pendens upon which it
 4 is based.

5 ARGUMENT

6 I.

7 THE PLAINTIFF'S SECOND LIS PENDENS IN THIS ACTION IS DEFECTIVE
 8 FOR THE SAME REASONS CITED IN THE DEFENDANTS' MOVING PAPERS
 FOR THE FIRST LIS PENDENS THAT LED TO THE FILING OF THIS MOTION.

9 Defendant included in its initial memorandum of points and authorities several grounds upon
 10 which the court should expunge Plaintiff's lis pendens that was recorded in the Official Records of
 11 San Mateo County. They included: (1) Plaintiff, a *pro se* litigant, failed to obtain the Court's approval
 12 in writing prior to recording the lis pendens, as required under the controlling California law; (2)
 13 Plaintiff failed to comply with the mailing requirements set forth in California law in order for a lis
 14 pendens to be valid; (3) There was no "action pending" at the time the lis pendens was recorded; (4)
 15 Plaintiff can not, under any circumstances, establish by a preponderance of evidence, as required
 16 under California Code of Civil Procedure Sec. 405.32, that there is a probable validity to his motion
 17 to set aside the earlier dismissal of this case or the underlying claims pursuant to the Truth In Lending
 18 Act ("TILA").

19 The very same defects are present in the subsequently filed Notice of Lis Pendens that Plaintiff
 20 was recorded on July 30, 2008, evidently in an effort to cure the patent defects in the first lis pendens.
 21 Based upon the foregoing, Defendants and moving parties, IGL, request that the Court include in any
 22 order issued pursuant to this motion the Plaintiff's second lis pendens recorded in the Official
 23 Records of San Mateo County as Document No. 2008-087986

24 Dated: August 6, 2008

LAW OFFICES OF MICHAEL E. STONE

25
 26 By: /s/ Leo B. Siegel
 27 Leo B. Siegel, Attorneys for Defendants,
 28 INVESTMENT GRADE LOANS, et al.